

23-2156

IN THE
United States Court of Appeals
for the Fourth Circuit

Richmond, Virginia

ANDREW U. D. STRAW,)	
<i>Appellant-Plaintiff, Pro Se,</i>)	
)	
v.)	
)	CAMP LEJEUNE JUSTICE ACT
UNITED STATES,)	
Appellee-Defendant.)	ORAL ARG. NOT REQUESTED

Appeal from the United States District Court for
the Eastern District of North Carolina, Southern Division
Case No. 7:23-cv-00162-BO-BM
The Honorable Judge Terrence W. Boyle

NOTICE REGARDING APPELLEE FAILURE TO BRIEF



s/ ANDREW U. D. STRAW
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SERVICE BY EMAIL (ENOTICE) PREFERRED

I, *Appellant* Andrew U. D. Straw, make this NOTICE:

1. I used CM/ECF to file my Opening Brief at [Dkt. 7-1](#) on 11/11/2023.
2. I made [actual USPS service](#) of that Opening Brief on **November 7, 2023**.
3. The government had **actual notice** of my appeal here and there is no disputing that there are members of the bar of this Court who work at the Justice Department. So, DOJ has had an obligation to check the docket of this case and monitor it and make appearance(s) since **November 3, 2023**, when I mailed service of [Dkt. 7-1](#) via U.S. Mail. And certainly after **actual service** on **November 7, 2023**. *See*, [Dkt. 19](#).
4. The [Dkt. 3](#) briefing ORDER provided for only **14 days** from service of the opening brief, which happened via U.S. Mail on **November 3, 2023**.
5. Thus, the time limit for responding was **November 17, 2023**, a Friday that was not a holiday.
6. Today being **November 18, 2023**, the deadline for the appellee to respond to my opening appellant's brief has passed.
7. The judge below failed to make findings of fact and failed to provide any legal reason for denying the [Dkt. 56](#) motion for relief from harm under CLJA.
8. I have made a *prima facie* case for an injunction to prevent my Camp LeJeune illnesses from getting worse or causing death and healing discrimination via my education payments.
9. [Dkt. 59](#) should be summarily reversed, also because the trial judge has a history of denying disabled state court employees justice as proven in the

Jacobs reversal by the Fourth Circuit. *Jacobs v. N.C. Admin. Office of the Courts*, [780 F.3d 562](#), 31 A.D. Cas. 546 (4th Cir. 2015)

10. Thus, in addition to the reversal, the trial judge should be changed.

11. Moreover, the meritless text-only denial ORDER at **Dkt. 65** below fails for the exact same reasons: **a total failure to make factual findings** and **failure to provide any legal reason for the denial** of my two motions at Dkts. [57-4](#) and [58](#).

12. The factual finding failures should yield a holding of “**clearly erroneous.**” The legal failures are “**abuses of discretion.**”


13. I provided notice of these new failures of justice when I filed using CM/ECF and served appellee via U.S. Mail on **November 9, 2023**. [Dkt. 21](#).

WHEREFORE, I NOTIFY this Court that **appellee has not timely briefed** in response to my opening brief, **has not appeared after actual notice**, and has not responded to the additional failures of fact and law I raised in [Dkt. 21](#). The defendant/appellee did not oppose my **Dkts. 56, 57-4, or 58** motions below and should not be heard to oppose them now. The judge below has no business acting as both judge and attorney for the defendant, but that is exactly what he is doing, summarily refusing his honest services to me with facts and law both in my favor. Judge Boyle should be removed from my case and if it pleases this Court, all other CLJA cases so those victims are not treated with the same disdain and refusals of his services that he showed me, similar to his attitudes toward a disabled state court employee revealed in *Jacobs v. N.C. Admin. Office of the Courts*, [780 F.3d 562](#), 31 A.D. Cas. 546 (4th Cir. 2015). I have a motion for full justice at [Dkt. 24](#) that is **not fully briefed** as yet that would

bring the Camp LeJeune poisonings cases to a conclusion promptly after so much delay.

I, Andrew U. D. Straw, verify that the statements above are true and correct on penalty of perjury.

Signed this 18th day of November, 2023



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CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I electronically filed the foregoing **NOTICE** with the Clerk of Court using the CM/ECF system, which will serve the attached on all counsel of record. The government should be obliged to review the docket and appear and accept CM/ECF service now that I have made it aware of this appeal.

See, [Dkt. 19](#).

Nonetheless, I also sent on the below date a copy of this filing via U.S. Mail to the U.S. Department of Justice at the following address:

P.O. Box 340, Ben Franklin Station, Washington, DC 20044-0340

Dated this 18th day of November, 2023



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